

III. REMARKS

Claims 1-38 are pending. Claims 18, 27 and 37 have been amended without prejudice.

A. Double Patenting Rejection

In the Office Action, the Examiner rejected claims 1-38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,733,783 B2.

In response, Applicants respectfully submit a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome the double patenting rejection.

Applicants note that the obviation of an obvious-type double patenting rejection by the filing of a terminal disclaimer is not an admission, acquiescence, or estoppel on the merits of an issue of obviousness. *See Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 873-74, 20 U.S.P.Q.2d 1392, 1394-95 (Fed. Cir. 1991).

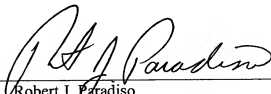
IV. CONCLUSION

It is respectfully submitted that the application is in condition for allowance. An early an favorable action on the merits is earnestly solicited.

Applicants hereby authorize the Commissioner to charge the \$130.00 fee under 37 C.F.R. § 1.20(d) to our Deposit account number 50-0552.

Respectfully submitted,
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